FOR ARGUMENT

Supreme Court, U. S.
FILED
DEC 16 1977
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1977

NO. 76-1726

MOBIL OIL CORPORATION, ET AL.,
Petitioner

versus

MRS. FRANCES NELL HIGGINBOTHAM, ET AL.,
Respondents

On Writ of Certiorari to the United States Court of Appeals For the Fifth Circuit

BRIEF FOR RESPONDENTS

THOMPSON & SELLERS
CHARLES M. THOMPSON, JR.
112 South Louisiana Avenue
Post Office Box 308
Abbeville, Louisiana 70510
(318) 893-3107
Attorneys for Respondents,
Mrs. Frances Nell Higginbotham,
et al.

A 1 Letter Service, Inc., 327 Chartres St., New Orleans, La. (504) 581-5555

INDEX

PAGE NO.

Statement of the Case 1

Argument 3

I. History 3

II. Exclusivity of DOHSA 6

III. Uniformity of Remedy and Recovery 11

IV. The Barbe - Law Conflict 14

Conclusion 16

Certificate of Service 17

CASES CITED

PAGE NO.

Barbe v. Drummond, 507 F.2d 794 (C.A. 1st Cir., 1974) 14,15,16

Davis v. Parkhill-Goodloe Co., 302 F.2d 489 (C.A. 5th Cir., 1962) 4

Fitzgerald v. United States Lines Co., 374 U.S. 16, 83 S.Ct. 1646 (1963) 8

Gillespie v. United States Steel Corp., 379 U.S. 148, 85 S.Ct. 308 (1964) 10

Kernan v. American Dredging Co., 355 U.S. 426, 78 S.Ct. 394 (1958) 10

Law v. Sea Drilling Corp., 510 F.2d 242 reh. denied modified in part, 523, F.2d 793 (C.A. 5th Cir., 1975) 15

McAllister v. Magnolia Petroleum Co., 357 U.S. 221, 78 S.Ct. 1201 (1958) 10

Moragne v. States Marine Lines, Inc., 398 U.S. 375, 90 S.Ct. 1772 (1970) 2,3,5,6, 7,9,10, 11, 12, 13, 14, 15, 16

Mpliris v. Hellenic Lines, Ltd., 323 F.Supp. 865 (S.D. Tex., 1970) affirmed at 440 F.2d 1163 (C.A. 5th Cir., 1973) 4

CASES CITED (Continued)

PAGE NO.

Sea-Land Services, Inc. v. Gaudet, 414 U.S. 573, 94 S.Ct. 806 (1974) 5,8

The Hamilton, 207 U.S. 398, 28 St.Ct. 133 (1907) 4

The Harrisburg, 119 U.S. 358, 7 S.Ct. 140 (1886) 3,4,5,9, 11,12

STATUTES CITED

43 U.S.C. §1331 et seq. 2

46 U.S.C. §688 4

46 U.S.C. §761 et seq. 4

OTHER AUTHORITES CITED

59 Cong. Rec. 4482-4487 7

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1977

NO. 76 - 1726

MOBIL OIL CORPORATION, ET AL.,
Petitioner

versus

MRS. FRANCES NELL HIGGINBOTHAM, ET AL.,
Respondents

On Writ of Certiorari to the United States Court of Appeals
For the Fifth Circuit

BRIEF FOR RESPONDENTS

STATEMENT OF THE CASE

On August 15, 1967, a Bell Jet Ranger helicopter, owned by Mobil Oil Corporation, petitioner herein, crashed into the high seas off the coast of Louisiana. The pilot and all three passengers aboard the helicopter were killed in the crash. Shortly before the crash, the helicopter, which was used by Mobil in its offshore oil and gas drilling operations, had picked up the three passengers at an offshore platform. These passengers were Marshall K. Higginbotham, an employee of Baxter Drilling Company, and James Shinn and James Nation, both Mobil employees.

As a result of the crash, suits were filed on behalf of all of the passengers and the pilot of the helicopter. All of the suits were consolidated for trial in the District Court. In

the non-jury trial, the court found Mobil liable to the survivors of Higginbotham and Shinn on the basis of res ipsa loquitur. The other defendant in the case, Bell Helicopter Company, the manufacturer of the helicopter, was dismissed from the lawsuit as the court found no liability on its part.

Damages were awarded to the survivors of Higginbotham under the provisions of the Death on the High Seas Act and the general maritime law as set forth in the *Moragne v. States Marine Lines, Inc.*, 398 U.S. 375, 90 S. Ct. 1772 (1970). As to the decedent, Shinn, a seaman, the District Court held the survivors to have actions under DOHSA, the general maritime law and the Jones Act. The District Court found the exclusive remedy of the survivors of Nation, who was found to have been assigned to a fixed platform on the Outer Continental Shelf at the time of his death, to be benefits available under the Longshoremen and Harbor Workers' Compensation Act as made applicable to the Outer Continental Shelf by the Lands' Act (43 U.S.C. A. Section 1331, et seq.)

On appeal to the United States Court of Appeal, Fifth Circuit, the finding of liability against Mobil Oil on the basis of res ipsa loquitur was affirmed as was the dismissal of Bell from the action. The Court further affirmed the findings of the remedies available to the survivors of Higginbotham and Shinn and reversed the District Court's ruling as to the status of Nation. The Fifth Circuit found that he was a seaman, therefore entitling his survivors to remedies under DOHSA, the general maritime law and the Jones Act. The Court of Appeal also reversed the award of damages to the survivors of Higginbotham, holding that the award contained an inflationary factor.

Following the rendition of the judgment by the Fifth Circuit, a number of petitions for writs of certiorari were filed in this Honorable Court. However, with the exception of the question presented herein, all of the writs were denied.

In essence, the question presented by petitioner in its writ of certiorari is whether the maritime action for wrongful death recognized in *Moragne v. States Marine Lines*, supra, was intended to replace the Death on the High Seas Act in cases of death occurring more than a marine league from shore. Petitioner argues that this question must necessarily be answered in the affirmative unless the Court restricts the Moragne wrongful death action to areas not previously covered by DOHSA. Unless the Moragne remedy is so limited, petitioner asserts that this Court will have judicially repealled DOHSA and replaced it with a non-statutory remedy. This, petitioner continues, is not a proper exercise of this Court's power since Congress, in passing DOHSA, intended that it be the exclusive remedy for wrongful deaths occurring on the high seas, and thereby precluded this Court from fashioning a judicial remedy for wrongful death within the same geographical sphere as DOHSA.

ARGUMENT

I. HISTORY

The question of whether or not the general maritime law permitted recovery for wrongful deaths occurring within its jurisdiction was first presented to the Court in 1886 in *The Harrisburg*, 119 U.S. 358, 7 S. Ct. 140 (1886). In that case,

a widow sought damages, under the general maritime law, for the death of her husband in a vessel collision caused by the defendant's negligence. The Court reviewed the history of the common law in regard to actions for wrongful death, then held that in the absence of a statute which allowed such a remedy, no action was cognizable under the general maritime law.

In the years following the decision in *The Harrisburg*, various state laws were enacted to provide actions for wrongful deaths occurring within state waters. In some instances, these state laws were held to provide a remedy for wrongful death occurring on the high seas in an effort to provide some relief against the harshness of *The Harrisburg*. See: *The Hamilton*, 207 U.S. 398, 29 S.Ct. 133 (1907).

In 1920, Congress acted to provide a means of recovery for wrongful death occurring on the high seas with the passage of the Death on the High Seas Act. 46 U.S.C. §761 et seq. This act provided for the recovery of damages for death "caused by wrongful act, neglect, or default occurring on the high seas beyond a marine league from the shore of any State, or the District of Columbia, or the Territories or dependencies of the United States . . ." 46 U.S.C.§ 761. In the same year, Congress also enacted the Jones Act 46 U.S.C. · 688 et seq which provided an action on behalf of seamen or their survivors for injuries or wrongful death caused by the negligence of an employer - vessel owner. Under the express terms of DOHSA, recoverable damages were limited to items of pecuniary loss. 46 U.S.C. §762. Cases interpreting the Jones Act have reached the same conclusion. *Davis v. Parkhill - Goodloe Co.*, 302 F.2d 489 (C. A. 5th Cir., 1962); *Mpliris v. Hellenic Lines, Ltd.*, 323 F. Supp. 865 (S.D. Tex., 1970) affirmed at 440 F.2d 1163 (C.A. 5th Cir., 1973).

The Court was again faced with the question it first considered in *The Harrisburg* in 1970 when *Moragne v. States Marine Lines*, supra, was before the Court. In a unanimous opinion authored by Mr. Justice Harlan, the Court proclaimed that the general maritime law does indeed provide a cause of action for wrongful death. In so holding, the Court specifically overruled *The Harrisburg*, without qualification.

While the Court in *Moragne* declared the existence of the general maritime law's wrongful death action, it did not spell out the specifics of the action such as who the beneficiaries might be, the appropriate statute of limitations, or what damages would be recoverable under the action. Instead, the Court left these issues to be sifted out by the lower courts in future cases. Subsequently in *Sea-Land Services, Inc. v. Gaudet*, 414 U.S. 573, 94 S.Ct. 806 (1974), the Court determined that the damages recoverable under the Moragne wrongful death action are not limited to pecuniary loss alone, but may also encompass such items of recovery as loss of society. The Court rejected the pecuniary loss standard of DOHSA as being inconsistent with "the humanitarian policy of the maritime law to show special solicitude for those who are injured within its jurisdiction." 414 U.S. at 588, 94 S.Ct. at 816.

With this brief historical perspective as a background, petitioner urges this Court to find that the Moragne remedy, and the damages recoverable under it by virtue of *Gaudet*, must be limited to those geographical areas where DOHSA does not apply i.e. state waters. Failure to so limit Moragne

will, according to petitioner, result in this Court's unwarranted judicial superimposition of a non-statutory remedy in place of DOHSA, an act of Congress intended to be the exclusive remedy within its territorial perimeters.

II. EXCLUSIVITY OF DOHSA

Petitioner asserts that the Court in *Moragne* sought to limit its holding to those areas not encompassed by the Death on the High Seas Act. In support of this contention, petitioner cites the legislative history of DOHSA as an affirmative indication that Congress intended DOHSA to be the exclusive remedy on the high seas. Petitioner quotes extensively from the legislative history of the Death on the High Seas Act and asserts that the floor debate on DOHSA in the House of Representatives conclusively shows Congress' intention that DOHSA be exclusive within its geographical area.

The Court in *Moragne* reviewed the same legislative history that petitioner now cites. While petitioner reads this history to indicate that Congress intended that DOHSA be the exclusive remedy for wrongful death on the high seas, the *Moragne* Court found no such intent present in the legislative history. In point of fact, the Court found just the opposite to be the case:

> "No intention appears that the Act [DOHSA] have the effect of foreclosing any non-statutory federal remedies that might be found appropriate to effectuate the policies of general law." 398 U.S. at 400, 90 S.Ct. at 1787.

Thus, faced with the same legislative history that petitioner

now argues shows an intention to make DOHSA an exclusive remedy, the Court in *Moragne* reached just the opposite result.

The excerpts from the legislative history of DOHSA quoted by petitioner, when reviewed in their true context, [1] show that the only reference to exclusivity contained in the House floor debates was in relation to the jurisdiction of the federal admiralty courts to hear DOHSA suits. This was recognized by Justice Harlan in *Moragne*:

> ". . .If we found from the legislative history that Congress imposed exclusive jurisdiction because of a desire to avoid the presentation of wrongful death claims to juries, that might support an inference that Congress meant to forbid the non-statutory maritime actions for wrongful death, which might come before state or federal juries. (Citation omitted) However, that is not the case. The only discussion of exclusive jurisdiction and the legislative history is found in the House floor debates, during the course of which Representative Volstead, floor manager of the bill and chairman of the Judiciary Committee, told the members that exclusive jurisdiction would follow necessarily from the fact that the act would be part of the federal maritime law. (Citation omitted) This erroneous view disregards the 'saving clause' in 28 U.S.C. §1333, and the fact that federal maritime law is applicable to suits brought in state courts under the permission of that clause . . . from this, we can derive no expression of policy bearing on

1. The full text of the House floor debate on DOHSA is reported in 59 Cong. Rec. 4482-4487.

the matter under discussion". 398 U.S. at 400 n. 14, 90 S.Ct. at 1787 n. 14:

In this manner Justice Harlan dismissed the proposition that DOHSA precludes any other wrongful death remedy on the high seas.

The Court also addressed the question of the exclusivity of DOHSA in *Sea-Land Services, Inc. v. Gaudet*, supra:

> "We recognize, of course, that our decision permits recovery of damages not generally available under the Death on the High Seas Act. Traditionally, however, 'Congress has largely left to this Court the responsibility for fashioning the controlling rules of the admiralty law' *Fitzgerald v. United States Lines Co.*, 374 U.S. 16, 20, 83 S.Ct. 1646, 1650, 10 L.Ed. 2nd 720 (1963). The scope and content of the general maritime remedy for wrongful death established in *Moragne* is no exception. After combing the legislative history of the Death on the High Seas Act, we concluded in *Moragne* that Congress expressed 'no intention . . . of foreclosing any non-statutory federal remedies that might be found appropriate to effectuate the policies of general maritime law.' Nothing in the legislative history of the Act suggests that Congress intended the Act's statutory measure of damages to pre-empt any additional element of damages for a maritime wrongful death remedy which this court might deem 'appropriate to effectuate the policies of general maritime law.' To the contrary, Congress' insistance that the act not extend to territorial waters . . . indicates that Congress was not

> concerned that there be a uniform measure of damages for wrongful deaths occurring within admiralty's jurisdiction, for in many instances state wrongful death statutes extending to territorial waters provided a more liberal measure of damages than the Death on the High Seas Act. See *Greene v. Vantage S.S. Corp.*, 466 F.2d 159 (CA 4 1972)." 414 U.S. at 587, n. 22, 94 S.Ct. at 816, n.22.

Respondents herein submit that the excerpts from *Moragne* and *Gaudet* quoted above make it abundantly clear that this Court has already determined the question of the exclusivity of the wrongful death remedy provided in DOHSA, and that this determination rejects the position adopted by petitioner. Respondents further submit that the *Moragne* cause of action supplements DOHSA and provides an additional remedy for the survivors of those persons who meet death on the high seas. In this regard, *Moragne* strengthens the very purpose that DOHSA was initially designed to serve, that is to expand the rights of the survivors of persons killed on the high seas in light of the restrictive rule set forth in *The Harrisburg*. *Moragne* continues the long standing tradition of the Court in maritime litigation of construing seamen's remedies under the federal statutory and general maritime law as supplementary, and not preclusive. To now hold that DOHSA precludes the existence of an additional remedy made available by the overruling of *The Harrisburg* would indeed be an ironic twist of fate in view of the very purpose for which DOHSA was initially passed.

It being clear from the legislative history of DOHSA that

this act was not intended to be exclusive, the Court in *Moragne* properly extended the wrongful death action set forth therein to all cases in admiralty, regardless of whether the cause of action arises on the high seas or in state waters. This the court clearly has the power to do:

> "Where death is caused by the breach of a duty imposed by federal maritime law, Congress has established a policy favoring recovery in the absence of a legislative direction to except a particular class of cases." 398 U.S. at 393; 90 S.Ct. at 1783.
>
> "Congress has largely left to this Court the responsibility for fashioning the controlling rules of admiralty law." *Fitzgerald v. United States Lines Co.*, 374 U.S. 16, 20, 83 S.Ct. 1646, 1650 (1963).

Further support for the proposition that the statutory remedy provided in DOHSA can exist side by side with the judicial remedy set forth in *Moragne* is provided by those cases wherein other statutory remedies have been deemed to co-exist with federal non-statutory law. For example, a seamen's rights under the general maritime law to sue his employer for injuries caused by unseaworthiness, or for death on the high seas caused by unseaworthiness, exist alongside his Jones Act claim. *McAllister v. Magnolia Petroleum Co.*, 357 U.S. 221, 78 S.Ct. 1201 (1958), *Kernan v. American Dredging Co.*, 355 U.S. 426, 78 S.Ct. 394 (1958). And, while the Court in *Gillespie v. United States Steel Corp.*, 379 U.S. 148, 85 S.Ct. 308 (1964), held that where the Jones Act, by providing a claim for wrongful death based on negligence, precludes any state remedy for

wrongful death to a seaman in territorial waters, whether based on negligence or unseaworthiness, there was no question of preclusion of a federal remedy before the Court at that time, since no such remedy was thought to exist at the time that case was decided. Thus, while the Jones Act may preclude a state remedy for wrongful death based on negligence or unseaworthiness, it would not preclude a federal remedy. *Moragne v. States Marine Lines, Inc.*, 398 U.S. at 375, n. 12, 90 S.Ct. at 1785 n. 12.

III. UNIFORMITY OF REMEDY AND RECOVERY

Having thus established that Congress did not intend DOHSA to be the exclusive remedy for wrongful death on the high seas, and that this Court therefore has the power to fashion a wrongful death remedy such as *Moragne*, a separage but closely related question arises. In view of the fact that DOHSA already provides recovery for wrongful deaths occurring on the high seas, why should this Court make the *Moragne* remedy applicable on DOHSA waters? Respondents submit that the key element in answering this question is the need for uniformity in the admiralty practice spoken of by Mr. Justice Harlan in *Moragne*.

In *Moragne*, the Court expressly overruled *The Harrisburg*, finding that the principles on which *The Harrisburg* ruling was based were unsound and incorrect. From this, it would appear that *The Harrisburg* was an incorrect statement of the law at the time it was decided. Therefore, the wrongful death remedy under the general maritime law has always existed, though *The Harrisburg* barred the assertion of this action. As the general maritime wrongful death action always existed, there was in actuality no need that Congress enact DOHSA or the wrongful death provisions of

the Jones Act. The purposes of these acts were to fill what Congress believed to be a void, that is the absence of a wrongful death remedy under the admiralty jurisdiction.

In seeking to remedy the lack of a maritime wrongful death action not thought to exist, the Courts construing DOHSA and the Jones Act, together with the general principles of non-statutory maritime law, reached many confusing and inconsistent conclusions. Areas of the admiralty judisdiction were left uncovered by any wrongful death action. There was a lack of uniformity on the subject of maritime wrongful death actions.

Of course, had the courts in *The Harrisburg* recognized the existence of the general maritime wrongful death action, no such non-uniformity would have resulted. The Jones Act death provisions and DOHSA would not have needed to be enacted. There would have already been a single uniform cause of action for wrongful death occurring on any waters subject to the admiralty jurisdiction. But this was not the case. It was only after the decision in *Moragne* that the wrongful death action provided by maritime law was recognized. As uniformity would have resulted had the action been recognized in *The Harrisburg*, would the purpose of uniformity not be defeated by now holding the action is not uniform in all areas of admiralty jurisdiction, but is limited only to state waters?

In *Moragne*, one of the primary considerations of the Court was the need for uniformity in maritime litigation. The existence of the three "anomalies" was of great concern to the Court. The situations presented in these anomalies were the very opposite of the uniformity sought by

the Court. This non-uniformity of remedy was corrected by the Court's decision in *Moragne*. On the subject of uniformity, the Court in *Moragne* stated:

> "Our recognition of a right to recovery for wrongful death under general maritime law will assure uniform vindication of federal policies, removing the tensions and discrepancies that have resulted from the necessity to accommodate state remedial statutes to exclusively maritime substantive concepts. (Citations omitted). Such uniformity not only will further the concerns of both of the 1920 Acts but will also give effect to the constitutionally based principle that federal admiralty law should be 'a system of law co-extensive with, and operating uniformally in, the whole country'. *The Lottawanna*, 21 Wall. 558, 575, 22 L.Ed. 654 (1875)." 398 U.S. at 401- 402, 90 S.Ct. at 1788.

The uniformity sought by the Court in *Moragne* is present only if the maritime cause of action recognized therein applies to the whole of the admiralty jurisdiction. To adopt the position advocated by petitioner would create situations of vastly differing result under the same factual situations.

For example, should the Court rule that the *Moragne* cause of action applies only in those areas not covered by DOHSA, it is not inconceivable that the following situation could occur. If a vessel should, while at sea, be in such a position that while crossing the imaginary line which would separate the jurisdictional boundaries of *Moragne* from those of DOHSA, that is the three mile limit, it would be entirely conceivable that the survivors of a person killed on

one end of the vessel would have remedies available under the general maritime law in addition to other available remedies, while the survivors of a person killed at the other end of the vessel would be restricted to recovery under DOHSA. Thus, the survivors of one of the decedents would be entitled to recover the full range of benefits set forth in *Gaudet*, while the survivors of the other decedent would be restricted to the pecuniary loss test set forth in DOHSA. Thus, under situations created by a common disaster, differing results would occur. This is not uniformity, this is the lack of it.

The only uniformity resulting from the position adopted by petitioner is that there would be a wrongful death remedy of some kind for all persons subject to the maritime jurisdiction. However, which remedy and what items would be recoverable under it would be solely dependent on the situs of the death. Courts seeking to apply the law under these circumstances would be forced to inquire into geographical areas before deciding what remedies were available to the respective claimants. Is it not much simpler to provide a uniform remedy with the same recovery for all persons entitled to assert it? This is the advantage to be gained from uniform application of *Moragne* to all waters, state or high seas. Respondents submit this is the message of *Moragne* and it should be confimred herein.

IV. THE BARBE - LAW CONFLICT

Petitioner asserts that support for its position is afforded by the decision of the First Circuit Court of Appeal in *Barbe v. Drummond*, 507 F.2d 794 (C.A., 1974). In *Barbe*, the administrator of the estate of a passenger who died when a small boat sank on the high seas instituted an action

seeking damages for the decedent's conscious pain and suffering prior to death and funeral expenses. The First Circuit held, noting the distinction between a survival action as asserted by the administrator, and a wrongful death action as set forth in *Moragne*, that there is, under federal decisional law, a maritime survival action permitting recovery for conscious pain and suffering. On this basis, the Court allowed those damages. However, the Court refused to award funeral expenses, basing its denial on a restrictive reading of *Moragne*. The *Barbe* court held that *Moragne* must be limited to state waters since DOHSA was the exclusive remedy for wrongful death on the high seas.

In *Law v. Sea Drilling Corp.*, 510 F.2d 242, reh. denied, modified in part, 523 F.2d 793 (C.A. 5th Cir., 1975), a case decided subsequent to the *Barbe* ruling, the Fifth Circuit affirmed a District Court award of damages for conscious pain and suffering prior to death and loss of society arising out of a death that occurred on the high seas. The award of damages for conscious pain and suffering was premised on the same basis that the *Barbe* Court allowed recovery, that is the existence of a federal non-statutory survival action.

However, on the question of *Moragne's* applicability more than a marine league from shore the cases reached differing conclusions. *Barbe* reaches the conclusion that *Moragne* is limited to state waters in view of the fact that DOHSA was intended as the exclusive remedy for deaths occurring on the high seas. *Law* rejects this argument and hold that *Moragne* is a uniform remedy throughout the admiralty jurisdiction. Thus, on this critical issue, the First and Fifth Circuit appear to be in direct opposition.

As the two cases appear irreconcilable on this point, only this Court can determine which case presents the proper interpretation of *Moragne*. Of course, respondents submit the holding reached by the *Law* court is proper. The *Barbe* decision adopts as its basis the contention that DOHSA is the exclusive remedy for deaths occurring on the high seas. As has been demonstrated herein, this position is not supported by the legislative history of DOHSA. The court in *Moragne* decided the question of DOHSA's exclusivity and rejected it. Thus, as the basis of the *Barbe* holding cannot be supported, it is submitted the case is simply incorrect.

CONCLUSION

In light of the foregoing, respondents respectfully pray that this Court hold the *Moragne* wrongful death remedy to be applicable on all navigable waters, be they state waters or the high seas, and affirm the holding of the Court below.

Respectfully Submitted,

THOMPSON & SELLERS

BY: _____

Charles M. Thompson, Jr.
Attorney for Respondents
Francis Nell Higginbotham,
et al.
Post Office Box 308
Abbeville, Louisiana 70510

CERTIFICATE OF SERVICE

I hereby certify that three copies of the foregoing Brief for Respondents has been served on Mr. Carl J. Schumacher, Jr., 1106 Arabella Street, New Orleans, Louisiana 70115; Mr. Jack C. Benjamin, 1718 NBC Building, New Orleans, Louisiana 70112; Mr. Jack C. Caldwell, 519 Main Street, Post Office Box 592, Franklin, Louisiana 70538 and Mr. I. P. Saal, Jr., Saal & Saal, Post Office Box 176, Gueydan, Louisiana by placing same in the United States mail, postage prepaid and properly addressed.

Abbeville, Louisiana, this 9th day of December, 1977.

s/ Charles M. Thompson, Jr.
Charles M. Thompson, Jr.

Printed copies mailed and
served this 15th day of December, 1977.